

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDED

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OFFENSE CHARGED
 18 USC 1341- MAIL FRAUD (9 COUNTS)
 18 USC 1343 - WIRE FRAUD (7 COUNTS)

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony
PENALTY:
 FOR EACH COUNT: 0-20 YEARS IMPRISONMENT, \$250,000
 FINE, 3 YEARS SUPERVISED RELEASE, \$100 SPECIAL
 ASSESSMENT
PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI SPECIAL AGENT MATTHEW ERNST

☐ person is awaiting trial in another Federal or State
 Court, give name of court

☐ this person/proceeding is transferred from another
 district per (circle one) FRCrP 20, 21 or 40. Show
 District

☐ this is a reprosecution of charges
 previously dismissed which were
 dismissed on motion of:
SHOW
DOCKET NO.
☐ U.S. Att'y ☐ Defense

☐ this prosecution relates to a
 pending case involving this same
 defendant
MAGISTRATE
CASE NO.
☐ prior proceedings or appearance(s)
 before U.S. Magistrate regarding
 this defendant were recorded under

 Name and Office of Person
 Furnishing Information on
 THIS FORM

KEVIN V. RYAN

☒ U.S. Att'y ☐ Other U.S. Agency

 Name of Asst. U.S. Att'y
 (if assigned)

STEPHEN G. CORRIGAN

DEFENDANT - U.S. 2005 APR 21 PM 2:46

 EDWIN JOHN TORRES
 RICHARD W. WIEKING
 U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

DISTRICT COURT NUMBER

CR05-00252 MJJ

DEFENDANT**IS NOT IN CUSTODY**

- 1) ☒ Has not been arrested, pending outcome this proceeding.
 If not detained give date any prior summons
 was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges } ☐ Fed'l ☐ State
- If answer to (6) is "Yes", show name of institution

 Has detainer
 been filed?

☐ Yes
☒ No

 If "Yes"
 give date
 filed
DATE OF
ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

Month/Day/Year

DATE TRANSFERRED
TO U.S. CUSTODY
☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☐ NO PROCESS*

☒ WARRANT Bail Amount: NO BAIL

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

 440 Deerfield Drive
 Moraga, CA

 *Where defendant previously apprehended on complaint, no new summons
 or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA
CRIMINAL DIVISION
VENUE: OAKLAND

FILED

2005 APR 21 PM 2:46

RICHARD W. WIERING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

v.

EDWIN JOHN TORRES,

CR05-00252 MJJ

DEFENDANT.

INDICTMENT

VIOLATIONS: 18 U.S.C. § 1341 – Mail Fraud; 18 U.S.C. § 1343 – Wire Fraud

A true bill.

Maurice R. Egan 4/21/05
Foreman

Filed in open court this _____ day of _____

Clerk

Bail, \$

Wayne DeBazil 4/21/05
No bail arrest warrant.

1 KEVIN V. RYAN (CSBN 118321)
2 United States Attorney

FILED

2005 APR 21 PM 2:46

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 OAKLAND DIVISION

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 EDWIN JOHN TORRES,

16 Defendant.
17

No.

CR05-00252 MJJ

VIOLATIONS: 18 U.S.C. § 1341 – Mail
Fraud; 18 U.S.C. § 1343 – Wire Fraud

18
19 INDICTMENT

20 The Grand Jury charges that:

21 BACKGROUND

22 At all times relevant to this Indictment:

23 1. Defendant EDWIN JOHN TORRES was an independent representative for AIG Advisor
24 Group, doing business as SunAmerica Securities, with a business address at 346 Rheem
25 Boulevard, #206, Moraga, California, from August 1998 to August 2004.

26 2. Defendant EDWIN JOHN TORRES presented business cards to potential investors
27 identifying himself as Principal/Branch Office Manager for SunAmerica Securities and “OSJ”
28 AIG/Advisor Group/SunAmerica Securities, Inc.

3. Defendant EDWIN JOHN TORRES created a scheme to defraud by offering to invest clients' money in high-yielding Los Angeles and Orange County municipal bonds and thereafter receiving payment from investors for the purchase of these bonds when in fact the defendant had no intention to purchase, and did not purchase, said municipal bonds.

MEANS AND METHODS

To accomplish the scheme and artifice to defraud, the defendant used the following means and methods, among others:

4. Defendant EDWIN JOHN TORRES met with clients at his residence located at 440 Deerfield Drive, Moraga, California, to discuss the investment in Los Angeles and Orange County municipal bonds.

5. Defendant EDWIN JOHN TORRES used his status as a member and past president of the Moraga, California, Chamber of Commerce and a member and past president of the Moraga, California, Rotary Club, to engender trust and confidence in his victims.

6. Defendant EDWIN JOHN TORRES informed potential investors that they would receive high rates of return if they invested in Los Angeles and Orange County California municipal bonds.

7. Defendant EDWIN JOHN TORRES directed investors to make checks payable to "Edwin Torres," and "Edwin J. Torres," purportedly for payment for the purchase of Los Angeles and Orange County municipal bonds, but in reality to be diverted for his own use.

8. Defendant EDWIN JOHN TORRES deposited checks made payable to him received from investors in payment for the purchase of municipal bonds into his personal bank accounts at Bank of America and the Bank of the West.

9. Defendant EDWIN JOHN TORRES intentionally failed to purchase the municipal bonds on behalf of the investors despite having received payment for that purpose.

10. Defendant EDWIN JOHN TORRES knowingly provided investors counterfeit invoices and statements on SunAmerica stationery purportedly reflecting the purchase of Los Angeles and Orange County, California municipal bonds.

11. Defendant EDWIN JOHN TORRES would, and did, keep the fraudulent scheme ongoing and keep investors who demanded the return on their investment from learning of the scheme and

1 complaining to SunAmerica and law enforcement, by mailing and wire-transferring checks as
 2 purported partial payments to investors. The defendant often falsely reported to the investors that
 3 the check amounts reflected interest payments on the bonds.

4 12. Defendant EDWIN JOHN TORRES did, during the later stages of the scheme, write checks
 5 to investors on his personal bank accounts at Bank of America and Bank of the West that could
 6 not be cashed because the defendant had insufficient funds in his accounts.

7 13. Defendant EDWIN JOHN TORRES received funds in excess of \$5,000,000 from more than
 8 30 individuals victimized by the defendant's fraudulent scheme.

9
 10 COUNTS ONE through NINE: (18 U.S.C. § 1341 - MAIL FRAUD)

11 On or about the dates listed below, in the Northern District of California, and elsewhere, the
 12 defendant,

13 EDWIN JOHN TORRES,

14 did devise and intend to devise a scheme and artifice to defraud, as to material matters, and for
 15 obtaining money by false and fraudulent pretenses, representations, and promises, for the
 16 purpose of executing such scheme and artifice and attempting to do so, did knowingly place in
 17 any post office and authorized depository for mail matter, any matter and thing whatever to be
 18 sent and delivered by the Postal Service and any private and commercial interstate carrier, and
 19 did take and receive therefrom, any such matter and thing, and cause to be delivered by mail and
 20 such carrier according to the direction thereon, the matter and thing as described:

21 <u>COUNT</u>	<u>DATE</u>	<u>MAILING</u>
22 ONE	7/01/03	Defendant EDWIN JOHN TORRES received a \$306,000
23		check at 440 Deerfield Drive, Moraga, California, mailed
24		from Mill Valley, California, via Federal Express.
25 TWO	7/20/03	Defendant EDWIN JOHN TORRES mailed to a person in
26		Mill Valley, California, via Federal Express, invoice
27		# 16001, which reflected the purchase of 34 Los Angeles
28		municipal bonds.

THREE 9/22/03 Defendant EDWIN JOHN TORRES received a check, # 105, in the amount of \$45,000, at 346 Rheem Boulevard, Suite 206, Moraga, California, mailed via Federal Express from Orinda, California.

FOUR 10/31/03 Defendant EDWIN JOHN TORRES received a check, #111, in the amount of \$18,000 at 346 Rheem Boulevard, Suite 206, Moraga, California, mailed from Felton, California.

FIVE 11/22/03 Defendant EDWIN JOHN TORRES received a check, # 107, in the amount of \$45,000, at 346 Rheem Boulevard, Suite 206, Moraga, California, mailed via Federal Express from Orinda, California.

SIX 1/09/04 Defendant EDWIN JOHN TORRES received a check, # 1055, in the amount of \$18,000, at 440 Deerfield Drive, Moraga, California, mailed via Federal Express from Sandpoint, Idaho.

SEVEN 7/14/04 Defendant EDWIN JOHN TORRES mailed to a person in Irvine, California., via Federal Express, invoice # 6302004, reflecting the purchase of 11 Los Angeles County Bonds.

EIGHT 8/01/04 Defendant EDWIN JOHN TORRES mailed to a person in Orinda, California, via United States mail, an invoice captioned "Sun America Securities," reflecting a purchase of 21 Los Angeles County municipal bonds.

NINE 8/20/04 Defendant EDWIN JOHN TORRES received a check, # 113, in the amount of \$45,000, at 346 Rheem Boulevard, Suite 206, Moraga, California, mailed via Federal Express from Orinda, California.

All in violation of Title 18, United States Code, Section 1341.

COUNTS TEN through SIXTEEN: (18 U.S.C. § 1343 - WIRE FRAUD)

On or about the dates listed below, in the Northern District of California, and elsewhere, the defendant,

EDWIN JOHN TORRES,

having devised and intending to devise a scheme and artifice to defraud, and for obtaining money by means of false and fraudulent pretenses, representations and promises, did knowingly transmit and cause to be transmitted in interstate and foreign commerce, by means of wire communications, certain signs and signals, as described below:

<u>COUNT</u>	<u>DATE</u>	<u>WIRE</u>
TEN	3/22/04	Defendant EDWIN JOHN TORRES wire-transferred \$12,000 from his account at Bank of the West, Moraga, California, to an account at Wells Fargo Bank, Fort Worth, Texas.
ELEVEN	4/28/04	Defendant EDWIN JOHN TORRES wire-transferred \$50,000 from his account at Bank of the West, Moraga, California, to an account at World Savings Bank, Sand Point, Idaho.
TWELVE	4/29/04	Defendant EDWIN JOHN TORRES wire-transferred \$21,000 from his account at Bank of the West, Moraga, California, to an account at Wells Fargo Bank, Fort Worth, Texas.
THIRTEEN	6/04/04	Defendant EDWIN JOHN TORRES wire-transferred \$100,000 from his account at Bank of the West, Moraga, California, to an account at World Savings Bank, Sand Point, Idaho.
FOURTEEN	6/22/04	Defendant EDWIN JOHN TORRES wire-transferred \$12,000 from his account at Bank of the West, Moraga, California, to an account at Wells Fargo Bank, Fort Worth, Texas.
FIFTEEN	7/26/04	Defendant EDWIN JOHN TORRES wire-transferred \$27,500 from his account at Bank of the West, Moraga, California, to an account at Wells Fargo Bank, Fort Worth, Texas.

SIXTEEN 9/07/04 Defendant EDWIN JOHN TORRES wire-transferred \$5,000 from his account at Bank of the West, Moraga, California, to an account at Wells Fargo Bank, Dallas, Texas.

All in violation of Title 18, United States Code, Section 1343.

DATED: 4/21/05

A TRUE BILL.

Maurice R. Egan
FOREPERSON

KEVIN V. RYAN
United States Attorney

Brian Stretch
Chief, Oakland Division

(Approved as to form: SOC)

AUSA CORRIGAN